

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE RIDDELL CONCUSSION
REDUCTION LITIGATION

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 13-7585 (JBS/JS)

ORDER

This matter having come before the Court on a motion to dismiss filed by Defendants Riddell, Inc., Riddell Sports Group, Easton-Bell Sports, LLC, EB Sports Corporation, RBG Holdings Corporation, and All American Sports Corporation (collectively, "Defendants" or "Riddell") [Docket Item 50]; and the Court having considered the submissions of the parties; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 3rd day of August, 2015 hereby

ORDERED that Defendants' motion to dismiss is **DENIED IN PART AND GRANTED IN PART**; and it is further

ORDERED that Defendants' motion is **DENIED** to the extent it is based on Plaintiffs' alleged failure to comply with Rule 9(b); and it is further

ORDERED that Plaintiffs' consumer fraud claims under New Jersey, Florida, Arizona, and California law may proceed based on allegedly false or misleading marketing statements regarding "concussion reduction technology," as well as such statements

which referenced a 31% reduction in concussions in relation to helmets not included in the UPMC study, particularly youth helmets. The Cahokia School District's claim for unjust enrichment and Plaintiffs' claim for declaratory relief may proceed at this time; and it is further

ORDERED that Defendants' motion to dismiss is **GRANTED** to the extent Plaintiffs' consumer fraud claims are based on marketing statements which accurately reflect the results of the UPMC study or are based on an alleged omission; to the extent Defendants' motion seeks dismissal of Plaintiffs' unjust enrichment and assumpsit claims (other than for Illinois transactions); and to the extent the motion seeks dismissal of Plaintiff Kenny King for lack of standing; and it is further

ORDERED that the claims now dismissed will be dismissed with prejudice; and it is further

ORDERED that Defendants shall serve their Answers to the remaining allegations of Plaintiffs' Second Amended Complaint within twenty-one (21) days of the entry of this Order.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge